

### **REMARKS**

Claims 1-24 are now pending in this application, with claims 1, 8, 13 and 18 being independent. Claims 1, 5-8, 10-18 and 22-24 have been amended. Favorable reconsideration is respectfully requested.

Claim 13 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, specifically as being directed to a computer program. Without conceding the propriety of the rejection, claim 13 has been amended to recite "A computer-readable medium having stored thereon computer code executable on a server," as suggested by the Examiner. Applicants respectfully submit that claim 13 is now in full compliance with Section 101, and respectfully request the Examiner to remove the rejection.

Claims 1-24 were rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 6,443,843 (Walker et al); and claims 1, 3, 5-8, 10-13, 15-18, 20 and 22-24 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,585,369 (Lieberman). These rejections are respectfully traversed.

As recited in independent claim 1, the present invention relates to a method of administering a promotional contest. The method includes the steps of providing a consumer a product that bears on its label an identification (ID) code, enabling the consumer to input the ID code into a prize redemption system, validating the ID code, and determining whether the consumer is entitled to receive a prize on the basis of the ID code.

Independent claim 8 relates to a server operable to run a prize redemption program. Independent claim 13 relates to a computer-readable medium have executable code stored thereon. Independent claim 18 relates to an apparatus for administering a promotional contest. All of those claims recite salient features discussed above with respect to claim 1, namely providing a consumer a product the label of which bears an ID

code, enabling the consumer to input the ID code and determining whether the consumer is entitled to receive a prize on the basis of the ID code. These features are neither taught nor suggested by the prior art.

Administering games or contests, such as administering games or contest for promotional purposes, is known in the art. One known promotional technique involves including items within the packaging of products, or alternatively on the packaging itself, that provide an opportunity for the consumer to win some type of prize. Soft drink manufacturers, for example, have been known to offer promotions in which each bottle cap is provided with a removable panel which, when removed, indicates to the consumer whether or not he or she has won a prize.

Such promotional incentive techniques, however, have certain drawbacks. Among these drawbacks are that they require careful monitoring and control --typically through an outside agency-- to ensure that they are administered fairly. Also, once prizes, particularly top prizes, are awarded, the effectiveness of the program can be undercut. Further still, there is limited contact between the consumer and manufacturer, since losing consumers (who are of course by far the most common type) have no incentive to register or otherwise reach-out to the manufacturer.

By providing methods and systems in which a product bears an ID code, in which a consumer enters the ID code into a prize redemption system and in which it is determined whether the consumer is entitled to win a prize and the basis of that ID code, these and other drawbacks are overcome.

Walker relates to a method that allows a customer to in essence gamble for a product of his choosing. The customer selects a product and pays a game fee. Then, the outcome of the game is determined. If the customer wins the game, the product is provided, and if the customer loses, a portion of the game fee is credited to the purchase of the product. Games that are mentioned in Walker include slot machine games and lottery-

type games. A conventional Universal Product Code (UPC) is used in Walker to identify the type of product that the customer selects, but is not used to determine whether the game was won or lost.

The present invention differs dramatically from Walker, in that in the present invention the provided ID code is used to determine whether the consumer is entitled to a prize. That technique is missing completely from Walker. In fact, it would not be possible to use a conventional UPC in that fashion, since a UPC identifies product type, and since the same UPC is typically used across many, many units of the same product. *See e.g.*, Howstuffworks “How UPC Bar Codes Work,” at <http://electronics.howstuffworks.com/upc.htm> copy attached for Examiner’s convenience.

The Office Action contends that the inventive step of determining whether the ID code is a winning code is “implicitly or explicitly supported” in Walker, citing the Abstract and Figs. 10 and 11. Office Action at 4. Respectfully, a teaching of determining if a consumer is entitled to receive a prize based upon an input ID code is not found in those parts of Walker, or anywhere else in the document. The brief Abstract merely states that “the product is provided to the customer if the outcome is a winning outcome,” but makes not mention of how the determination is made. And as discussed above, Walker goes on to explain that the determination is made using a slot machine or lottery type game. It is not based upon an ID code.

Applicants note that at col. 20:42-45 Walker states, in reference to Fig. 11, “it is determined in step S1116 whether a ‘win’ outcome 730 is associated with the received product identifier.” This statement, however, in no way constitutes a teaching or suggestion of determining whether a consumer is entitled to receive a prize on the basis of an ID code input by the consumer. To the contrary, and is clear from Walker, the entire process of Fig. 11 is a check-out process, which occurs *after* the Walker customer has

played the game and the outcome has been determined in the manner described above. Fig. 11, therefore, has no relevance to the present invention.

Liebermann is distinguished from the present invention on similar grounds. The so-called "bar code... which uniquely identifies the product which is the object of the promotion" (col. 6:24-26) does not truly identify the product, but rather the type of product, and is in any event certainly not used to determine whether the customer is entitled to a prize.

Accordingly, for the reasons above, Applicants respectfully submit that the independent claims are plainly patentable over Walker, Lieberman, or their combination, and respectfully request the Examiner to remove the Section 102 rejections.


The remaining claims all depend from one of the independent claims discussed above, and each partakes in the novelty and non-obviousness of its respective base claim. In addition, each recites additional patentable features of the present invention, and individual reconsideration of each is respectfully requested.

### CONCLUSION

In view of the foregoing Amendments and Remarks, a Notice of Allowance is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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